THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.27049 of 1997

Dated:26.04.2007

Between
1.Konduri Srinivas and others.

.....Petitioners

and

State Bank of Hyderabad
Rep., by Managing Director,
Gunfoundry, Hyderabad

…Respondent

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.27049 of 1997

ORDER:

This writ petition is filed seeking to declare that the petitioners are entitled to be absorbed into 10 vacancies that arose as a result of the decision of this Court in WP No.20440 of 1996 dated 6.3.1997.

The operative portion of the said Judgment reads as under:

> *" In the circumstances, I am of the view that the only proper course is to allow the petitioners to appear for the interview for promotion to group B Officer post which was unreasonably denied earlier because of the fact that they could not have know that the retrospective promotion would be available. Subject to the petitioners facing the interview they will also be allowed to appear for HMCS-II post*

and the further promotion will certainly depend upon the petitioners qualifying themselves in the interview fro the Group-B post. It is also recorded that on being selected in group-B post by virtue of being selected in the interview to which they are permitted to appear for the Group-B post, they will be treated on par with the PCO cadre who had earlier opted for selection for Group-B post and were given retrospective promotion from 1989. I am sure, the Bank will arrange to conduct interview for Group-B post expeditiously so that those who succeed in that will be enable to appear for the interview for MMGS-II post without any further delay. It is also made clear that in case the petitioners succeed on being selected for Group-B post, they will also have to qualify for MMGS-II post. On the other hand, if they do not succeed in the interview for Group-B post, they will not be eligible for MMGS-II post even though they had appeared for the written test in view of the interim direction of this Court but will remain as PCO.

With the above directions, the writ

petition is disposed of . No costs.

In the said Judgment, it was decided that in case petitioners succeed on being selected for Group-B post, they will have to qualify also for MMGS-II post. On the other hand, if they do not succeed in the interview for Group-B post, they will not be eligible for MMGS-II post even though they had appeared for the written test in view of the interim direction of this Court and will remain as PCO.

Now, it is the contention of the petitioners that in view of implementation of the orders in the said writ petition, 10 vacancies have arisen and they are entitled for automatic absorption into the respondent-Bank against those 10 vacancies. The vacancies have arisen in the year 1997 and not in 1992. The vacancies arose in 1997 cannot be related to the year 1992. Thus the contention of the petitioners that they are entitled for those vacancies cannot be accepted.

I am opinion that the Writ Petition is misconceived and it is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

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26-04-2007

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